I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filling system in accordance with § 1.6(a)(4).

Dated: May 21, 2010

Electronic Signature for Kevin M. Kocun: /Kevin M. Kocun/

Docket No.: SPINE 3.0-441 CONT CONT (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ralph et al.

Application No.: 10/667,034 Group Art Unit: 3775

Filed: September 22, 2003 Examiner: J. L. Swiger

For: POROUS INTERVERTEBRAL DISTRACTION SPACERS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

It is respectfully requested that the reference(s) listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference which is not a U.S. patent or patent application is enclosed. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited reference(s) is/are legally available prior art or that the same is/are pertinent or material.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: May 21, 2010 Respectfully submitted,

> Electronic signature: /Kevin M. Kocun/ Kevin M. Kocun Registration No.: 54,230 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090 (908) 654-5000 Attorney for Applicant(s)